

Chrono

OGC-84-50347
29 March 1984

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence
Executive Director
Deputy Director for Operations
Director, Office of Legislative Liaison
Chief, International Activities Division/DO

FROM: [redacted] Associate General Counsel STAT
Office of General Counsel

SUBJECT: Jane Doe v. Central Intelligence Agency, et al.
Civil Action No. 83-3306

1. In the attached Order issued 26 March 1984, the court granted our motion for change of venue and transferred this case to the United States District Court for the Eastern District of Virginia.

2. We consider this to be a very positive development in this litigation. STAT

[redacted]
Attachment

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

✓FILED

JANE DOE,)
Plaintiff,)
v.)
CENTRAL INTELLIGENCE AGENCY,)
et al.,)
Defendants.)

MAR 26 1984

JAMES F. DAVEY, Clerk

Civil Action No. 83-3306

ORDER

Defendants have moved to dismiss this action on various grounds, including improper venue. Plaintiff has sued each of the defendants in his official as well as his individual capacity and asserts that venue properly lies in this judicial district pursuant to 28 U.S.C. §1391(e)(1) (1976).¹ This section provides, in relevant part, that actions against the United States or an officer of the United States "may, except as otherwise provided by law, be brought in any judicial district in which (1) a defendant in the action resides . . ."

¹ As a preliminary matter, §1391(e) provides for venue in civil actions "in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity . . ." Plaintiff should have invoked §1391(b) insofar as she seeks relief from defendants individually. However, even if she had invoked §1391(b), venue is proper under that section only "in the judicial district in which all defendants reside or in which the claim arose." Defendants do not all live in the same judicial district and plaintiff does not allege that her cause of action arose in Washington, D.C.

(N)

The official residence of defendants is the sole determinant of venue for this action.² Relying upon a footnote in Reuben H. Donnelly Corp. v. F.T.C., 580 F.2d 264, 267 n.4 (7th Cir. 1978), plaintiff asserts that defendants' official residence is Washington, D.C. That footnote, however, states merely that "the vast majority of agency heads have their official residences in the District of Columbia . . ." Id. The other cases cited by plaintiff are similarly inapposite. Nor is the postal address of the CIA controlling. Cf. Donnell v. National Guard Bureau, 568 F. Supp. 93 (D.D.C. 1983) (no estoppel applied to defendants' use of Washington, D.C. mailing address where no indication of an intent to induce plaintiff to bring suit in the District of Columbia and plaintiff could easily have determined actual address).

Defendants correctly assert that the official residence or headquarters of the CIA is Langley, Virginia, which is located in the Eastern District of Virginia. See, e.g., Stafford v. Briggs, 444 U.S. 527, 544 n.11 (1980); Turbeville v. Casey, 525 F. Supp. 1070, 1072 (D.D.C. 1981); see also 32 C.F.R. §1900.5 (1983) (headquarters of CIA located in Fairfax County, Virginia).

Accordingly, because venue properly lies in the United States District Court for the Eastern District of Virginia, 28

² Plaintiff has not asserted that venue is proper in this jurisdiction pursuant to any of the other bases set forth in 28 U.S.C. §1391(e).

U.S.C. §1391(e)(1), and transfer of this action would serve the interests of justice, it is, by the Court, this 24th day of March, 1984

ORDERED that this action shall be and the same hereby is transferred, pursuant to 28 U.S.C. §1406(a), to the United States District Court for the Eastern District of Virginia; and it is further

ORDERED that the Clerk of this Court transfer the entire record herein, together with a certified copy of this Order, to the United States District Court for the Eastern District of Virginia, forthwith.

Joyce Hens Green
JOYCE HENS GREEN
United States District Judge